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July 9, 2004

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Art Unit 1653

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Appl. No. 10/668,168; Filed: September 24, 2003 For: Mutants of Green Fluorescent Protein

Inventors:

Krista EVANS

Our Ref:

0942.4020003/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement;
- 2. List of cited references on Form PTO-1449 (8 sheets);
- 3. A copy of the following references cited on Form PTO-1449 (23 documents: AR1-AS8);
- 4. First Supplemental Information Disclosure Statement;
- 5. List of cited references on Form PTO-1449 (1 sheet);
- . 6. Second Supplemental Information Disclosure Statement;
- 7. List of cited references on Form PTO-1449 (2 sheets);
- 8. A copy of document AT8; and
- 9. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

Sterne, Kessler, Goldstein & Fox P.L.L.C. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

Commissioner for Patents July 9, 2004 Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSŢEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

BJD/JKM:bac



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Evans, K.

Appl. No.: 10/668,168

Filed: September 24, 2003

For: Mutants of Green Fluorescent

Protein

Confirmation No.: 5379

Art Unit: 1653

Examiner: To Be Assigned

Atty. Docket: 0942.4020003/BJD/JKM

Information Disclosure Statement under 37 C.F.R. § 1.97(b)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98. Copies of documents AA1-AB1 and AL1-AM1 were cited by or submitted to the Office in an Information Disclosure Statement that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/472,065, filed December 23, 1999, now U.S. Patent No. 6,638,732 B1, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). Copies of documents AR1-AS8 are provided.

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Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicant

Registration No. 42,473

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1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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	AM1	wo	98/14605	04/09/1998	WIPO			Yes No
	AN1							Yes No
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	AP1		OTHER (Including Auth	hor, Title, Date, Pe	rtinont Pages 4	otc)	No
	AR	1	Chalfie, M	., <i>et al</i> ., "Green	n Fluorescent Protei Association for the A	in as a Marker fo	or Gene Expression	on," Science
	AS	1		, Inc., "Living C es (April 1996)	Colors™ Enhanced (GFP Vectors," C	CLONTECHniques	s, p. 2-3, BD
	AT	1			nical Structure of th in," <i>Biochem</i> . <i>32</i> :12			
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SKGF Rev. 12/03/03

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	ATTY. DOCKET NO. 0942.4020003/BJD/JKM	APPLICATION NO. 10/668,168	
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT	
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	AR	2			, S., "Isolation of FACS-Opt ues, p. 21, BD Biosciences			Fluorescent
	AS	2			ACS-optimized mutants of the Science B.V. (July 1996)	ne green flu	orescent prote	ein (GFP),"
	АТ	2	Crameri, A	A., et al., "Impro	oved Green Fluorescent Pro ol. 14:315-319, Nature Ame	otein by Mol orica Publish	ecular Evolution	on Using DNA 96)
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	AR	3	Delagrave,	, S., <i>et al</i> ., "Re	d-Shifted Excitation Muta ature Publishing Co. (Feb	nts of the Gre		t Protein,"
	AS	3			luorescent protein mutant :163-166, Federation of E			
	AT	3	Evans, K., Cell Transi	et al., "pGreer fection Reporte	n Lantern™-1, A Superior er," <i>Focus 18</i> :40-43, Life ⁻	Green Fluore Technologies	scent Protein (July 1996)	Mammalian
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		ATTY. DOCKET NO. 0942.4020003/BJD/JKM	APPLICATION NO. 10/668,168
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	AR	4	Heim, R.,	et al., "Wav nt protein," F	velength mutations and Proc. Natl. Acad. Sci. L	d posttranslational	autoxidation of g	green ademy of
	AS	4		<i>et al</i> ., "Impr uary 1995)	roved green fluorescen	nce," <i>Nature 373</i> :60	33-664, Macmill	an Publishing
	AT	4	longer wa	anvelengths a	R.Y., "Engineering gree and fluorescence reso (February 1996)	en fluorescent prot nance energy tran	ein for improved sfer," <i>Curr. Biol.</i>	I brightness, 6:178-182,
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		Page 5 of 8
ATTY. DOCKET NO.	APPLICATION NO.	
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	AR	<u>5</u>			ellyfish Green Fluorescent F Function," <i>Neuron 14</i> :211-2			
	AS	<u>5</u>	Misteli, T. and Spector, D.L., "Applications of the green fluorescent protein in cell biology and biotechnology," <i>Nat. Biotechnol.</i> 15:961-964, Nature America Publishing (October 1997)					
	AT	<u>5</u>	Ormö, M., et al., "Crystal Structure of the Aequorea victoria Green Fluorescent Protein," Science 273:1392-1395, American Association for the Advancement of Science (September 1996)					
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	ATTY, DOCKET NO.	APPLICATION NO.	
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	AR	<u>6</u>	Palm, G.J., et al., "The structural basis for spectral variations in green fluorescent protein," Nat. Struct. Biol. 4:361-365, Nature Publishing Co. (May 1997)						
	AS	<u>6</u>		Prasher, D.C., et al., "Primary structure of the Aequorea victoria green-fluorescent protein," Gene 111:229-233, Elsevier Science Publishers B.V. (1992)					
	Rizzuto, R., et al., "Double labelling of subcellular structures with organelle-targeted GFP mutants <i>In vivo</i> ," <i>Curr. Biol.</i> 6:183-188, Current Biology Ltd. (February 1996)								
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		Page 7 of	8
	ATTY. DOCKET NO. 0942.4020003/BJD/JKM	APPLICATION NO. 10/668,168	
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	AR	Wang, S, and Hazelrigg, T., "Implications for bcd mRNA localization from spatial distribution						
	AS	Z	Ward, W.W. and Cormier, M.J., "Energy Transfer via Protein-Protein Interaction in Renilla Bioluminescence," <i>Photochem. & Photobiol.</i> 27:389-396, Pergamon Press (1978)					
	АТ	7	Yang, F., et al., "The molecular structure of green fluorescent protein," Nat. Biotechnol. 14:1246-1251, Nature America Publishing (October 1996)					
EXAMINER	1		<u> </u>			DATE	CONSIDERED	

FORM PTO-1449
INFORMATION DISCLOSURE STATEMENT

		Page 8 of 8
ATTY, DOCKET NO.	APPLICATION NO.	
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Evans, K.

Appl. No.: 10/668,168

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For: Mutants of Green Fluorescent

Protein

Confirmation No.: 5379

Art Unit: 1653

Examiner: To Be Assigned

Atty. Docket: 0942.4020003/BJD/JKM

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicant Registration No. 42,473

Data

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's First Supplemental Information Disclosure Statement and Applicant's Information Disclosure Statement filed herewith in connection with the above-captioned application.

Copies of document AC1-AD2 are not provided in accordance with the U.S. Patent and Trademark Office pre-OG notice of July 11, 2003, which states "the Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003." Copies of documents AO1-AL2 were cited by or submitted to the Office in an Information Disclosure Statement that complies with 37

C.F.R. § 1.98(a)-(c) in Application No. 09/472,065, filed December 23, 1999, now U.S. Patent No. 6,638,732 B1, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). A copy of document AT8 is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed after three months of the date of filing, but before an Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO 1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDŞTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicant Registration No. 42,473

Date:

1100 New York Avenue, N.W.

Washington, D.C. 20005-3934

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EXAMINER		DOCUMENT	U.S. P/	ATENT DOCUMENTS	<u> </u>		
INITIAL	AA	NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AB	-					
	AC1	5,777,079	07/07/1998	Tsien et al.			11/20/1996
	AD1	5,804,387	09/08/1998	Cormack et al.			01/31/1997
	AE1	5,968,738	10/19/1999	Anderson et al.			12/06/1996
	AF1	5,994,077	11/30/1999	Valdivia et al.			09/10/1997
	AG1	6,027,881	02/22/2000	Pavlakis et al.			05/08/1996
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	AL						Yes
	АМ						Yes
	AN						Yes
	AO1	WO 96/23810 A1	08/08/1996	WIPO			Yes
	AP1	WO 01/98338 A2		WIPO			Yes
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	AR						
	AS						
	АТ	Tsien, R.Y. Reviews (J	, "The Green F uly 1998)	Fluorescent Protein," <i>Ar</i>	าทน. Rev. Biocl	hem. 67:509-54	4, Annual
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	Evans, K.		
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE	FILING DATE	ART UNIT	Ī
STATEMENT	September 24, 2003	1653	

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	AA2	6,146,826	11/14/2000	Chalfie et al.			06/18/1996
	AB2	6,172,188	01/09/2001	Thastrup et al.			03/17/1997
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	AK		4				
			FOREIGN	PATENT DOCUMEN	NTS		
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	WO 02/085936 A2	10/31/2002	WIPÒ	OLAGO	OOD-OLAGO	Yes
	AM	WC 02/003930 A2	10/31/2002	WIFO			Yes
				-			No Yes
	AN						No Yes
	AO						No Yes
	AP	OTHER (Ir	│ Icluding Auth	_ lor, Title, Date, Perti	nent Pages, etc.)	No_
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